

FW: RE: Follow up

From: dkeyhani@keyhanillc.com <dkeyhani@keyhanillc.com>

Sent: Tue, Dec 20, 2022 at 2:09 pm

To: Lorri Lomnitzer

Cc: dspielman@conceptlaw.com, mmulvaney@conceptlaw.com, Alex Brown, Scott Smiley, Frances Stephenson

Counsel- See emails below that I read on the meet and confer:

Darius

-----Original Message-----

From: "dkeyhani@keyhanillc.com" <dkeyhani@keyhanillc.com>

Sent: Saturday, December 10, 2022 9:09am

To: "Alex Brown" <abrown@conceptlaw.com>

Cc: "Frances Stephenson" <fstephenson@keyhanillc.com>

Subject: RE: Follow up

Alex, I don't want there to be any misunderstanding, I don't have authorization to agree to any extension on the response to the subpoena until we have confirmation on the date that Group III will produce its representative witness. Given the tight discovery schedule, please confirm which of these dates work:

Afternoon of January 6, 2023

Morning of January 9, 2023 or

Morning or Afternoon of January 10, 2023

Again, if we can't get an agreement and confirmation on the date for the deposition for Group III's representative we don't have an agreement on any extension for the response to the subpoena and you will need to provide a response immediately. Please provide confirmation on the date for the deposition.

Thanks,

Darius

-----Original Message-----

From: "Alex Brown" <abrown@conceptlaw.com>

Sent: Saturday, December 10, 2022 7:27am

To: "dkeyhani@keyhanillc.com" <dkeyhani@keyhanillc.com>

Subject: RE: Follow up

Darius, yes, we have an agreement on the extension of time to respond to your client's subpoena through January 4, 2023. At present, I am trying to accommodate the potential deposition date for your requested date of January 6, 2023 should a deposition become necessary. I didn't realize initially, but I am actually scheduled to be in transit that day coming back from family vacation, and need to get coverage myself, but my clients are also trying to confirm their availability should a deposition become necessary. I will let you know as soon as possible regarding their availability, but can you provide any additional potential dates for us to work with for this tentative scheduling?

Best Regards,

Alex

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From: dkeyhani@keyhanillc.com <dkeyhani@keyhanillc.com>
Sent: Friday, December 9, 2022 9:43 PM
To: Alex Brown <abrown@conceptlaw.com>
Subject: Re: Follow up

Alex, I didn't hear back from you, do we have an agreement on the proposed extension to respond to the subpoena contingent on the agreement to produce the Group III witness, please advise as soon possible.

Darius

On Dec 7, 2022, at 12:43 PM, Alex Brown <abrown@conceptlaw.com> wrote:

Darius, thank you for your confirmation of the extension. We will likely respond to the subpoena sooner than January 2023, but I appreciate the breathing room and will adjust my calendar accordingly. As for holding a date for a potential deposition, I will confer with my client upon my return to the office tomorrow and be back in touch with you regarding their availability.

Best Regards,
Alex
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From: dkeyhani@keyhanillc.com <dkeyhani@keyhanillc.com>
Sent: Wednesday, December 7, 2022 10:13 AM
To: Alex Brown <abrown@conceptlaw.com>

Subject: Re: Follow up

I'm sorry, I meant we can agree to the extension to respond to the subpoena by January 4, 2023 provided that should we need you agree to produce a witness to testify for no more than 4 hours on January 6, 2023 regarding Group III's documents.

Darius

On Dec 7, 2022, at 10:06 AM, dkeyhani@keyhanillc.com wrote:

Alex, I just called your office, please call me when you have a moment. Given our tight discovery schedule, we can agree to the extension to respond to subpoena by December 4th provided that you agree that should we need you will produce a representative witness from Group III for no more than 4 hours to testify regarding Group's III documents the afternoon of January 6, 2023. Please confirm this understanding.

Thanks,

Darius

On Dec 6, 2022, at 2:26 PM, Alex Brown <abrown@conceptlaw.com> wrote:

Darius, it is my understanding that the parties received the extension they were seeking from the TX Court; as such, per your agreement below, Group III will calendar January 6, 2023 as the deadline within which it must respond to the SwissDigital subpoena, should such a response become necessary. If I am mistaken concerning the extension of discovery in TX, please advise immediately. Thank you!

Best Regards,

Alex

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From: dkeyhani@keyhanillc.com <dkeyhani@keyhanillc.com>
Sent: Thursday, December 1, 2022 12:36 PM
To: Alex Brown <abrown@conceptlaw.com>
Subject: RE: Follow up

The parties are working on requesting an extension from the Court, if we get it, we can agree to giving you until January 6th to respond to the subpoena.

Darius

-----Original Message-----

From: "Alex Brown" <abrown@conceptlaw.com>
Sent: Thursday, December 1, 2022 9:58am
To: "dkeyhani@keyhanillc.com" <dkeyhani@keyhanillc.com>
Subject: RE: Follow up

Understood. Has either side in the litigation sought an extension, and, if so, when is a decision expected on such request?

Best Regards,
Alex
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From: dkeyhani@keyhanillc.com <dkeyhani@keyhanillc.com>
Sent: Wednesday, November 30, 2022 10:52 PM
To: Alex Brown <abrown@conceptlaw.com>
Subject: RE: Follow up

Alex, Given that the current discovery deadlines is Dec. 15, at this time we can only stipulate to an extension on the subpoena until Dec. 13th until the Court's grants extension to the discovery deadline.

Darius

-----Original Message-----

From: "Alex Brown" <abrown@conceptlaw.com>
Sent: Wednesday, November 30, 2022 10:03pm
To: "dkeyhani@keyhanillc.com" <dkeyhani@keyhanillc.com>
Subject: RE: Follow up

Darius, is December 13 the last day for your discovery period? Initially I thought you mentioned 30-days so that we could see how things play out between you and Wenger in the TX litigation. 13-days does not provide too much time, so please clarify. Thank you.

Best Regards,
Alex
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-----Original Message-----

From: dkeyhani@keyhanillc.com <dkeyhani@keyhanillc.com>

Sent: Wednesday, November 30, 2022 5:14 PM

To: Alex Brown <abrown@conceptlaw.com>

Subject: Follow up

Alex- Following up on our call we can stipulate that your client can have until December 13 to respond to Swissdigital's subpoena. Please also look into the potential dates for a deposition of your client.

Darius